



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,500	12/28/2000	Marc Epstein	300/1	6952

7590 10/19/2004

KAPLAN & GILMAN, L.L.P.
900 Route 9 North
Woodbridge, NJ 07095

EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT

PAPER NUMBER

2157

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

OK 3

Office Action Summary	Application No.	Applicant(s)	
	09/750,500	EPSTEIN ET AL.	
	Examiner	Art Unit	
	Hussein A El-chanti	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 July 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-38 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 July 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Response to Amendment

1. This action is responsive to amendment received on July 2, 2004. Claims 1-3, 8, 11, 14, 19, 27, and 31 were amended. Claims 32-38 were newly added. Claims 1-38 are pending examination.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "110-140" and "206-211" have been used to designate client forest; reference characters "104-108" have been used to designate clients; reference characters "221-226" and "231-236" have been used to designate trust links. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "122-146" are not defined in the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The office did not receive a copy of corrected drawings. New corrected drawings are required to be submitted by the applicant.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described, in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8, 11, 14-19, 22, 27 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al., U.S. Patent No. 6,249,836 (referred to hereafter as Downs).

As to claims 1, 23-25, 28 and 31, Downs teaches a method of providing services from a service provider to a plurality of independent entities, the method comprising:

facilitating, on a first set of one or more servers of said service provider, a first set of services that require said first set of one or more servers to trust said independent entities (see col. 3 lines 56-col. 4 lines 17, col. 4 lines 59-col. 5 lines 5);

facilitating, on a second set of one or more servers of said service provider, a second set of services that require said independent entities to trust said second set of one or more servers (see col. 3 lines 56-col. 4 lines 17, col. 4 lines 59-col. 5 lines 5, trust is achieved between the server and the client by allocating separate resources to distinct clients, client requests resources and servers allocate requested resources to clients); and

providing said first and second set of services to said independent entities (see col. 3 lines 56-col. 4 lines 17, col. 4 lines 59-col. 5 lines 5).

As to claim 2, Downs teaches the method of claim 1 wherein a trust is established so that said first set of servers trusts said second set of servers.

As to claims 3 and 21, Downs teaches the method of claim 2 wherein said first set of servers provides data services and wherein said second set of services provides management and configuration services (see col. 5 lines 18-37).

As to claim 4, Downs teaches the method of claim 3 wherein each of said independent entities is organized as a single forest (see col. 3 lines 10-30).

As to claim 5, Downs teaches the method of claims 3 or 4 wherein each of said entities is organized as a single domain (see col. col. 4 lines 59-col. 5 lines 5).

As to claims 6 and 10, Downs teaches the method of claim 3 wherein at least one of said independent entities is embodied as a forest of computers that spans multiple customer sites (see col. 4 lines 59-col. 5 lines 27).

As to claims 7, 12, 13 and 20, Downs teaches the method of claim 1 wherein said first set of services comprises at least one of the following: virus protection services, remote access, backup, software sharing, and telephony services, and wherein said second set of services comprises at least one of the following: security, password management, software update, software distribution, access control (see col. 4 lines 32-45 and col. 5 lines 7-17).

As to claim 8, Downs teaches a system for providing computer services a to plurality of remotely located computers, the network comprising: a service forest for providing data services to said remotely located computers; a management and configuration forest for providing management and configuration services to said remotely located computers; said management and configuration forest and said service forest being separate from each other (see col. 3 lines 56-col. 4 lines 17, col. 4 lines 59-col. 5 lines 5).

As to claims 11 and 30, Downs teaches a network of computers comprising a service forest that trusts and provides services to a plurality of independent remotely located user computers, wherein the user computers trust and are managed and configured by a management forest of computers, and wherein the service forest trusts the management forest (see col. 3 lines 56-col. 4 lines 17, col. 4 lines 59-col. 5 lines 5).

As to claim 14, Downs teaches a computer service center comprising plural computers that implement services to numerous remotely located computers, and wherein services that require said remotely located computers to trust said service center are separate from computers implementing services requiring said service center to trust said remotely located computers, thereby avoiding any two way trusts (see col. 3 lines 56-col. 4 lines 17, col. 4 lines 59-col. 5 lines 5).

As to claim 15, Downs teaches the service center of claim 14 wherein said remotely located computers are arranged into groups, each group communicating on a

local area network and being associated with an independent entity (see col. 4 lines 59-col. 5 lines 5).

As to claims 16 and 26, Downs teaches the computer service center of claim 11 wherein computers in the service forest communicate with a telephone network (see col. 4 lines 32-40).

As to claim 17, Downs teaches the computer service center of claim 16 wherein computers in the service forest communicate with the data network (see col. 4 lines 32-40).

As to claim 18, Downs teaches the computer service center of claim 16 wherein computers in the service forest provide data backup services for said remotely located user computers (see col. 4 lines 59-col. 5 lines 5).

As to claim 19, Downs teaches a method of providing computer services to plural remote customers comprising the steps of: classifying services to be provided to such customers as either services requiring customers to trust a service provider, or services requiring the service provider to trust said customer; and in response to said step of classifying, determining from what computer or group of computers to provide said services (see col. 3 lines 56-col. 4 lines 17, col. 4 lines 59-col. 5 lines 5).

As to claim 22, Downs teaches a method of providing services to a plurality of serviced entities from a service provider, the method comprising: defining a one way relationship; separating a first type of services wherein said relationship runs from the service provider to the serviced entity from a second type of services wherein the

relationship runs from the serviced entity to the service provider, and separately implementing said first and second types of services (see col. 3 lines 56-col. 4 lines 17, col. 4 lines 59-col. 5 lines 5).

As to claims 27 and 9, Downs teaches apparatus for providing services to plural entities, said apparatus comprising: plural devices to be serviced; a first set of servers for providing a first set of services to said devices, said first set of servers having a one way predetermined relationship with said devices to be serviced; a second set of servers for providing a second set of services to said devices, said devices having said one way relationship with said second set of services.

As to claim 29, Downs teaches apparatus of claim 28 wherein said devices are customer computers, and wherein said service provider is a remote IT services provider (see col. 4 lines 32-45 and col. 5 lines 7-17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 32-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Downs in view of Cheng et al., U.S. Patent No. 6,763,403 (referred to hereafter as Cheng).

As to claim 32, Downs teaches a method of providing services from a service provider to a plurality of independent entities, the method comprising:

facilitating, on a first set of one or more servers of said service provider, a first set of services that require said first set of one or more servers to trust said independent entities (see col. 3 lines 56-col. 4 lines 17, col. 4 lines 59-col. 5 lines 5);

facilitating, on a second set of one or more servers of said service provider, a second set of services that require said independent entities to trust said second set of one or more servers (see col. 3 lines 56-col. 4 lines 17, col. 4 lines 59-col. 5 lines 5, trust s achieved between the server and the client by allocating separate resources to distinct clients, client requests resources and servers allocate requested resources to clients); and

providing said first and second set of services to said independent entities (see col. 3 lines 56-col. 4 lines 17, col. 4 lines 59-col. 5 lines 5).

Downs does not explicitly teach “second set of servers do not trust said first set of servers”.

However Downs teaches a method of updating software on a client computer where the user logs on a service provider and downloads updates from a software provider and wherein the service provider server do not trust software server (see abstract).

It would have been obvious for one of the ordinary skills in the art at the time of the invention to incorporate the no trust relationship between the second set of servers

and the first set of servers because doing so to have more secure communication between the components of the system.

As to claim 33, Downs teaches the method of claim 8 wherein said management and configuration forest does not trust said service forest (see abstract).

As to claim 34, Downs teaches the network of claim 11 wherein said management forest does not trust said service forest (see abstract).

As to claim 35, Downs teaches the center of claim 14 wherein said computers implementing services that require said remotely located computers to trust said service center do not trust said computers implementing services requiring said service center to trust said remotely located computers (see abstract).

As to claim 36, Downs teaches the method of claim 19 wherein said services requiring said customers to trust said service provider do not trust said services requiring said service provider to trust said customers (see abstract).

As to claim 37, Downs teaches the method of claim 2 wherein no relationship runs from said second type of services to said first type of services (see abstract).

As to claim 38, Downs teaches apparatus of claim 27 wherein said second set of servers do not have said one way relationship with said first set of servers (see abstract).

7. Applicant's arguments filed have been fully considered but they are not persuasive.

In the remarks, the applicant argues in substance that; A) Downs does not teach a trust relationship.

In response to A) Downs teaches a method of providing remote resources to a client where the method includes resource allocator. The resource allocator validates the user and has an accounting unit that manages the payments and bills and performs a metering function for the resource allocation program (see col. 4 lines 41-57). A trust relationship as defined by the applicant "enables pass through authentication, in which a trusting domain honors the logon authentications of a trusted domain. With trust relationships, a user who has only one user account in one domain can potentially access the entire network". Downs teaches an accounting unit that identifies a user and manages the payments and bills and performs a metering function for the resource allocation program and therefore Downs meets the scope of the claimed limitation "trust relationship".

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

Oct. 14, 2004



SALEH NAJJAR
PRIMARY EXAMINER